

City of Fayetteville
Regular Mayor and City Council Meeting
Minutes
January 5, 2006

Call to Order

The Mayor and City Council of Fayetteville met in regular session on Thursday, January 5, 2006 at 7:30 p.m. in the Council Chambers at City Hall. Mayor Steele called the meeting to order, and led those attending in the Pledge of Allegiance to the Flag. Council members present were: Glenn Brewer, Larry Dell, Paul Oddo, Jr., Wilson Price, and Walt White. Staff members present were City Manager Joe Morton and City Clerk Judy Stephens.

White moved to approve the minutes of the Regular Council Meeting of December 1, 2005. Dell seconded the motion.

For motion: White, Dell, Brewer, Price

Abstained: Oddo

The motion carried.

Recognition and Presentations:

State Court Judge Fletcher Sams swore in Councilman Walt White, Councilman Larry Dell and Councilman Paul Oddo, Jr.

New Business:

Dell moved to elect Wilson Price Mayor Pro Tem for the year 2006. Brewer seconded the motion.

For Motion: Dell, Brewer, Oddo, White

Abstained: Price

The motion carried.

Public Hearings:

Mayor Steele called Public Hearing on Beer, Wine and Distilled Spirits license from Ruby Tuesday, Inc. located 1405 Highway 85 North for Ronald P. Clark.

Dell moved to approve Beer, Wine and Distilled Spirits license for Ruby Tuesday, Inc. located 1405 Highway 85 North for Ronald P. Clark. Price seconded the motion. The motion carried unanimously.

Mayor Steele stated that Georgia Law requires that certain disclosures have to be made when considering any rezoning.

Mayor Steele asked the Council “to the best of your knowledge gentlemen do you or any member of your family have a property interest in any real property that could be affected beneficially or adversely by the approval or denial of the petitions for rezoning that are under consideration?”

Mayor Steele and all Council Members responded no.

Mayor Steele asked the Council “to the best of your knowledge do you or any member of your family have a financial interest in any business entity which has a property interest in any real property that could be affected, beneficially or adversely, by the approval or denial of the petition for rezoning that is under consideration?”

Mayor Steele and all Council Members responded no.

Mayor Steele asked the City Clerk “to state whether any applicant for rezoning has filed a campaign contribution disclosure report in connection with the petition for rezoning and if so, will the Clerk please indicate whether the applicant made any campaign contributions to the Mayor or a member of the Council aggregating \$250.00 or more within the two (2) years preceding the filing of the petition for rezoning.

Judy Stephens, City Clerk, responded that no disclosure reports had been filed.

Mayor Steele stated that if any member of the public speaks in opposition to the petitions for rezoning, they must first state whether, within the two years immediately preceding the filing of the petition for rezoning that you oppose, you made campaign contributions aggregating \$250.00 or more to the Mayor or any other member of the City Council. If you have, please state whether you have filed a disclosure report with the city within five days of the first hearing on these petitions for rezoning.

Mayor Steele requested that any member of the public that speaks in support or opposition of the petition for rezoning coming under consideration, state their name and address for the record.

Mayor Steele stated that written copies of the zoning standards and the policies and procedures governing the calling and conducting of these hearings are available from the City Clerk if anyone would like a copy.

Mayor Steele called Public Hearing and 1st Reading on Proposed Ordinance #0-1-06 Rezoning Request from Brent Scarbrough to rezone 18.98 acres; property located in Land Lot 166 of the 5th District along Georgia Highway 314 and White Road from C-3 (Highway Commercial) to DR-15 (One & Two Family Residential).

Eldridge Gunn, City Planner stated the applicant is proposing to rezone approximately 19 acres on Hwy. 314 from C-3 to DR-15 to allow for the development of 60 single-family detached homes.

The property will be developed as a PUD. The property surrounds an existing dental office and the applicant proposes to provide a planted berm, along with fencing, in place of the required 30 foot buffer distance between the proposed development and the office.

The current C-3 zoning of the property allows for a number of uses that, although appropriate for fronting onto Highway 314, may not be as compatible with the residential properties to the rear of the site. The intent of the applicant is to provide a step down between the adjacent residential uses to the rear and the potential future commercial uses that would be permitted in the area under the existing zoning. The City of Fayetteville's Comprehensive Plan Future Land-Use Map designates this site for office development. The proposed DR-15 zoning is a higher density residential development than the Clairmont and Neal's Trace communities behind it, but it is a less intensive development than the development that could occur under the present zoning of the property. Also, one of the goals of the City has been to keep more intensive commercial uses on the east side of Hwy. 314 as much as possible and away from the residential developments on the west side of Hwy. 314. To the west of the subject property are the Clairmont and Neal's Trace subdivisions, zoned R-22. The neighboring property to the north is zoned C-2. The neighboring property to the south, is zoned R-40. To the east, across Highway 314 is zoned C-3 and C-4.

This property has been discussed several times in the past and the applicant is aware of the drainage problems in the area. The applicant is also proposing that these drainage issues could be addressed during the process of developing the proposed homes.

Bob Rolader, representing this property appeared before council and advised they have addressed all the drainage issues the public had concerns about and also addressed the intersection concerns. Mr. Rolader also stated he would be marketing this property as an empty nester community.

Several residents from the Clairmont Subdivision thanked Mr. Rolader for addressing their concerns about the drainage issues.

Several residents from the Neal Trace Subdivision asked questions about the detention ponds.

Mr. Rolader advised he cannot promise the detention pond on the west side of the property would be eliminated but he will do everything possible to eliminate it, but it will depend on the engineers.

Mayor Steele advised this ordinance would come up for a vote at the January 19, 2006 Council Meeting.

Consent Agenda:

Mayor Steele called for approval of Consent Agenda:

2006 Appointments

White moved to approve Consent Agenda. Dell seconded the motion. The motion carried unanimously.

City Manager and Staff Reports:

Joe Morton, City Manager advised we are waiting on approval from ARC and DCA on the updated Comprehensive Plan and should have it by the end of January. Mayor's Day will be January 23rd and the Retreat will be held on January 26th.

Brewer moved to adjourn the meeting. Oddo seconded the motion. The motion carried unanimously.

Respectfully submitted,

Judy Stephens, City Clerk